

United States District Court
Western District of Texas
El Paso Division

FILED
Dec 15 2017
Clerk, U.S. District Court
Western District of Texas

By: CR
Deputy

USA

vs.

(1) JOSUE ALEXIS RIVERA-PORTILLO

§
§ CRIMINAL COMPLAINT
§ CASE NUMBER: **EP:17-M -05562(1)**
§
§

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **December 13, 2017** in **Hudspeth** county, in the **WESTERN DISTRICT OF TEXAS** defendant did, being an alien to the United States, enter, attempt to enter, or was found in the United States after having been previously excluded, deported, or removed from the United States without receiving permission to reapply for admission to the United States from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557

in violation of Title 8 United States Code, Section(s) 1326

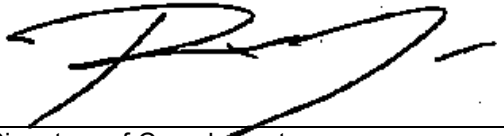
I further state that I am a(n) **Border Patrol Agent** and that this complaint is based on the following facts: "
The DEFENDANT, Josue Alexis RIVERA-Portillo, an alien to the United States and a citizen of El Salvador was found in the United States on December 13, 2017 in Ft. Hancock, Texas in the Western District of Texas. From statements made by the "

Continued on the attached sheet and made a part of hereof.

Sworn to before me and subscribed in my presence,

December 15, 2017
File Date

ANNE T. BERTON
UNITED STATES MAGISTRATE JUDGE



Signature of Complainant
Jacobco, Raul
Border Patrol Agent

at EL PASO, Texas
City and State



Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT - EP:17-M -05562(1)

WESTERN DISTRICT OF TEXAS

(1) JOSUE ALEXIS RIVERA-PORTILLO

FACTS (CONTINUED)

DEFENDANT to the arresting agent, DEFENDANT was determined to be a native and citizen of El Salvador, without immigration documents allowing him to be or remain in the United States legally. Defendant has been previously removed from the United States to El Salvador on October 4, 2017 through Phoenix, Arizona. Defendant has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States.

On December 13, 2017, at approximately 6:00 P.M., Agent Isaac Roldan observed foot prints of several individuals walking across the Rio Grande River, approximately 4.7 miles east of the Fort Hancock Port of Entry. Agent Roldan advised Agents in the area of the foot sign description and direction of travel. Agents Keith Miller and Felipe Tavarez arrived to an area north of the foot prints known as the Verduzco's shacks and observed foot prints matching the description of the group leading inside of one of the abandoned shacks. Agents Miller and Tavarez observed several individuals hiding inside the abandoned shack. Agents Miller and Tavarez identified themselves as U.S. Border Patrol Agents and questioned the individuals as to their citizenship; at which time two of individuals jumped up and ran out the back of the shack. The individuals that remained in the shack were later determined to be undocumented. Agents Sergio Garibay and Agent Adrian Silva also responded to the area. Agent Garibay was utilizing a handheld night vision camera and was able to locate the two outstanding individuals in a nearby cotton field. Agent Silva approached one of the individuals later identified as the DEFENDANT, Josue Alexis, RIVERA-Portillo, identified himself as a United States Border Patrol Agent, questioned the DEFENDANT as to his citizenship. The DEFENDANT stated he was a citizen of El Salvador. After a brief field interview it was determined that the DEFENDANT did not have any documents that would allow him to be in, enter or remain in the United States legally. The DEFENDANT was placed under arrest and transported to the Fort Hancock Border Patrol Station for processing. The DEFENDANT was enrolled into the E3/IDENT/NGI system utilizing his fingerprints and photo. The system identified the DEFENDANT and revealed positive immigration history and positive criminal history. The DEFENDANT was read his rights as per Form I-214 in the Spanish language, which he acknowledged that he understood by signing the form. The DEFENDANT agreed to provide a sworn statement without an attorney present and admitted to entering the country illegally. The DEFENDANT further admitted to have been previously removed for the United States. Further immigration records checks revealed that the DEFENDANT has not received permission from the Attorney General of the United States or the Secretary of Homeland Security to reapply for admission into the United States. Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

IMMIGRATION HISTORY:

The DEFENDANT was Removed to EL Salvador on 10/04/2017, through PHOENIX, AZ.

CRIMINAL HISTORY:

The DEFENDANT was arrested on July 13, 2008, by the Caso Redwood City, CA, PD, for Force/ADW Not Firearm;GBI Likely/Participate in Crime Street Gang/Threaten Crime W Intent to Terrorize (M) the DEFENDANT was Convicted on 08/26/2008 of Street Gang Act and Sentenced to 24 Days Jail and 24 Months Prob. The DEFENDANT was arrested on September 12, 2010, by the Sunny Vale, CA, PD, the DEFENDANT was Convicted on 10/25/2010 of DUI Alcohol/Drugs, Drive W/O Lic (M) and Sentenced to 10 Days Jail, 3 Years Prob. The DEFENDANT was arrested on November 17, 2011, by the Caso Redwood City, CA, PD, the DEFENDANT was Convicted on 08/28/2015 of Poss Narc Control Substance, Use Under Infl Contrld Substance (M) and sentenced to 36 month prob. The DEFENDANT was arrested on September 30, 2012, by the San Mateo, CA PD, the DEFENDANT was Convicted on 01/28/2013 of Fight/Challenge Fight Public Place, Disturbs by Loud/Unreasonable Noise (M) and sentenced to 2 days jail 12 Months Prob. The DEFENDANT was arrested on November 18, 2014, by the Caso Redwood City, CA, PD, the DEFENDANT was charged with Use/Under Infl Cntrld Substance (M). The DEFENDANT was arrested on February 8, 2015, by the Caso Redwood City, CA, PD, the DEFENDANT was Convicted on 03/07/2016 of Exhibit Deadly Weapon: Not firearm, Threaten Crime W/Intent to Terrorize (F) and sentenced to 364 days jail and 36 Mo Prob. The DEFENDANT was arrested on November 16, 2015, in San Mateo, CA, PD, the DEFENDANT was Convicted of Shoplifting (M) and convicted petty theft with fine imposed.

